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REMARKS

In response to the Office Action mailed on October 20, 2005, the Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance. Claims 1-5, 8, 10-14, and 17-25 are pending in the application. Claims 1, 13, 17, and 18 have been amended, leaving Claims 1-5, 8, 10-14, and 17-25 for consideration upon the entry of the amendments. Support for the amendments may be found throughout the Applicants' Specification, and in particular, in paragraph [0044] of page 17. No new matter has been entered.

Double Patenting

Claims 1-5, 8, 10-14, and 17-25 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,870,900, claims 1-13 of U.S. Patent No. 6,771,739, claims 1-15 of U.S. Patent No. 6,788,765, and claims 1-12 of U.S. Patent No. 6,614,882.

In response, to obviate the double patenting rejection, Applicant respectfully submits a Terminal Disclaimer attached hereto. Accordingly, reconsideration and withdrawal of the double patenting rejection of claims 1-5, 8, 10-14, and 17-25 are respectively requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-3, 5, 8, 10-14, 18 and 21-23 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Kinser, Jr. et al., U.S. Patent No. 5,790,633 (hereinafter "Kinser") in view of Kidder et al., U.S. Patent No. 6,445,774 B1 (hereinafter "Kidder") and further in view of Sardana, U.S. Patent. No. 6,298,352 (hereinafter "Sardana").

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to

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modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Applicant respectfully traverses the rejections because Kinser in view of Kidder and further in view of Sardana fail to teach or suggest all of the elements of independent Claims 1, 13 and 18.

Claim 1, as amended, recites "A method for proactively maintaining a telephone system local loop, the method comprising: defining a security level of a user for accessing proactive maintenance; communicating with a communications network and acquiring status information associated with a Digital Loop Carrier, the status information including engineering information relating to government regulations, and at least one of customer information, maintenance information, service information, and real-time process information; predicting the proactive maintenance based upon the status information; generating work order information describing the predicted proactive maintenance; dispatching a common database of the work order information to the user; and updating the work order information in response to new status information inputted by the user." (Emphasis added)

In contrast, none of Kinser, Kidder, and Sardana suggests or teaches the element "defining a security level of a user for accessing proactive maintenance", as recited in Claim 1. Therefore, Kinser in view of Kidder and further in view of Sardana does not render Claim 1 obvious for at least the reason that Kinser in view of Kidder and further in view of Sardana does not teach or suggest all of the elements of Claim 1. Claims 2-3, 5, 8, 10-12, and 21-23 depend from Claim 1 and are believed to be allowable at least due to their dependency on Claim 1.

Claim 13 also includes the element "defining a security level of a user for accessing proactive maintenance", and Applicant submits that it is patentable over Kinser in view of Kidder and further in view of Sardana for at least the reasons given for Claim 1. Claim 14 depends from Claim 13 and is believed to be allowable at least due to its dependency on Claim 13.

Claim 18 also includes the element "computer program code for defining a security level of the user for accessing the proactive maintenance", and Applicant submits that it is patentable over Kinser in view of Kidder and further in view of Sardana for at least the reasons given for Claim 1.

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Claims 4, 17 and 19-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kinser in view of Kidder and further in view of Kulatunge et al., U.S. Patent No. 6,353,902 (hereinafter "Kulatunge") and Sardana. Applicant respectfully traverses the rejections because Kinser in view of Kulatunge and Sardana fail to teach or suggest all of the elements of independent Claims 1, 17, and 18.

Kulatunge is silent in the element "defining a security level of a user for accessing proactive maintenance", as recited in Claim 1, from which Claim 4 depend. Therefore, Kulatunge does not cure the deficiency of Kinser in view of Sardana. Accordingly, Kinser in view of Kulatunge and Sardana does not render Claim 1 obvious for at least the reason that Kinser in view of Kulatunge and Sardana does not teach or suggest all of the elements of Claim 1. Claim 4 is believed to be allowable at least due to its dependency on Claim 1.

Claim 17 also includes the element "an Administrative module communicating the communications network and defining security level of the user for accessing the proactive maintenance", and Applicant submits that it is patentable over Kinser in view of Kulatunge and Sardana for at least the reasons given for Claim 1.

Claim 18 also includes the element "computer program code for defining a security level of the user for accessing the proactive maintenance", and Applicant submits that it is patentable over Kinser in view of Kulatunge and Sardana for at least the reasons given for Claim 1. Claims 19-20 depend from Claim 18, and are believed to be allowable at least due to their dependency on Claim 18.

Claims 24 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kinser in view of Kidder and further in view of Sardana and Frigo, U.S. Patent No. 5,710,648 (hereinafter "Frigo") or Prohaska, U.S. Patent No. 6,208,776 (hereinafter "Prohaska"). Applicant respectfully traverses the rejections because Kinser in view of Kidder and further in view of Sardana and Frigo or Prohaska fail to teach or suggest all of the elements of independent Claim 1, from which Claims 24 and 25 depend.

None of Frigo and Prohaska teaches or suggest the element "defining a security level of a user for accessing proactive maintenance", as recited in Claim 1. Therefore, Frigo or Prohaska

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does not cure deficiency of Kinser in view of Kidder and further in view of Sardana. Accordingly, Kinser in view of Kidder and further in view of Sardana and Frigo or Prohaska does not render Claim 1 obvious for at least the reason that Kinser in view of Kidder and further in view of Sardana and Frigo or Prohaska does not teach or suggest all of the elements of Claim 1. Claims 24-25 are believed to be allowable at least due to their dependency on Claim 1.

Conclusion

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested. It is submitted that the foregoing amendments and remarks should render the case in condition for allowance.

Accordingly, as the cited references neither anticipate nor render obvious that which the applicant deems to be the invention, it is respectfully requested that claims 1-5, 8, 10-14, and 17-25 be passed to issue.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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